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In re Application of	:	
AHN, Jae Yeon	:	
U.S. Application No.: 09/622,904	:	DECISION ON PETITION
PCT No.: PCT/KR99/00100	:	UNDER 37 CFR 1.181
International Filing Date: 04 March 1999	:	
Priority Date: 05 March 1998	:	
Attorney's Docket No.: P19945.A04	:	
For: THEFT PREVENTION DEVICE FOR	:	
INFORMATION-STORED DISK	:	

This decision is issued in response to applicant's "Request For Withdrawal Of The Holding Of Abandonment" filed on 21 September 2001. No petition fee is required.

BACKGROUND

On 04 March 1999, applicant filed international application PCT/KR99/00100 which claimed a priority date of 05 March 1998 and which designated the United States. On 10 September 1999, a copy of the international application was communicated to the United States Patent And Trademark Office ("USPTO") by the International Bureau ("IB").

On 27 September 1999, a Demand was filed with the International Preliminary Examining Authority electing the United States. The election was made prior to the expiration of nineteen months from the priority date. As a result, the deadline for payment of the basic national fee was extended to expire thirty months from the priority date, i.e., 05 September 2000.

On 05 September 2000, applicant filed a transmittal letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee and a translation of the international application into English.

On 18 October 2000, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497 and a surcharge for providing the oath or declaration later than 30 months from the priority date were required. The Notification also informed applicant that the failure to submit these materials within one month of the date of the Notification would result in abandonment of the application.

On 12 September 2001, the DO/EO/US mailed a Notification Of Abandonment (Form PCT/DO/EO/909) indicating that the application was abandoned with respect to the United States for failure to respond to the Notification Of Missing Requirements.

On 21 September 2001, applicant filed the "Request For Withdrawal Of The Holding Of Abandonment" considered herein as a petition under 37 CFR 1.181. The petition asserts that, on 23 October 2000, applicant filed a timely response to the Notification of Missing Requirements that included an executed declaration and the required surcharge. Among the materials attached to the present petition is a copy of the previously filed declaration and a copy of a return postcard that specifically identifies the present application, itemizes the declaration and surcharge payment, and bears a PCT/PTO receipt stamp dated 23 October 2000.

DISCUSSION

Based on applicant's statements, the stamped return postcard, and internal USPTO records which confirm receipt of the \$65 small entity surcharge payment on 23 October 2000, it is concluded that the response to the Notification Of Missing Requirements attached to the present petition, including the executed declaration and the surcharge payment, were originally filed on 23 October 2000 as a timely response to the Notification Of Missing Requirements mailed 18 October 2000. Accordingly, the Notification Of Abandonment mailed on 12 September 2001, based as it was on applicant's purported failure to file a timely response to the Notification Of Missing Requirements, is appropriately vacated.

A review of the declaration filed on 23 October 2000 reveals that it is in compliance with 37 CFR 1.497.

CONCLUSION

Applicant's petition under 37 CFR 1.181 is **GRANTED**.

The Notification Of Abandonment (Form PCT/DO/EO/909) mailed on 12 September 2001 is hereby **VACATED**.

The executed declaration attached to the present petition and the surcharge payment are treated as having been originally filed on 23 October 2000

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision. The 35 U.S.C. 371 date is 23 October 2000.

A handwritten signature in black ink, appearing to read 'RMR', is positioned above the typed name.

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